

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**MELODY FLYNN and MARTINA ANTOINETTE
DE TRUFF, on behalf of themselves and all others
similarly situated,**

Plaintiffs,

-against-

**NEW YORK DOLLS GENTLEMEN'S CLUB a/k/a 59
MURRAY ENTERPRISES, INC., PRIVATE EYES
GENTLEMEN'S CLUB a/k/a AAM HOLDING CORP,
THREE B's HOSPITALITY GROUP a/k/a XYZ
CORP., BARRY LIPSITZ, and BARRY LIPSITZ, JR.,**

Defendants.

**Case No.:
13 Civ. 6530 (PKC) (RLE)**

**PLAINTIFFS' NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT, CONDITIONAL CERTIFICATION OF THE SETTLEMENT
CLASS, APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND
APPROVAL OF PLAINTIFFS' PROPOSED NOTICE OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of the Proposed Notice of Settlement and Class Action Settlement Procedure ("Motion for Preliminary Approval"), the Declaration of Justin M. Swartz in Support of Plaintiffs' Motion for Preliminary Approval ("Swartz Declaration"), and the Declaration of Brian S. Schaffer in Support of Plaintiffs' Motion for Preliminary Approval ("Schaffer Declaration"), Plaintiffs respectfully request that the Court enter an Order:

(1) granting preliminary approval of the Joint Settlement and Release ("Settlement Agreement"), attached as Exhibit A to the Swartz Declaration;

- (2) conditionally certifying the proposed class for settlement purposes;
- (3) appointing Outten & Golden LLP and Fitapelli & Schaffer, LLP as Class Counsel;
- (4) approving the proposed Notice of Proposed Class Action Settlement and Claim Form and Release, attached as Exhibit B to the Swartz Declaration; and
- (5) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Dated: August 5, 2014
New York, New York

Respectfully submitted,
OUTTEN & GOLDEN LLP
By:

/s/ Justin M. Swartz
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**Attorneys for Plaintiffs and the Putative Class
and Collective**